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SERVICE DATE - SEPTEMBER 15, 2003

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-441 (Sub-No. 3X)

**SWKR Operating Co. – Abandonment Exemption –
in Cochise County, AZ**

BACKGROUND

In this proceeding, SWKR Operating Co. (SWKR) has filed a petition for exemption under 49 CFR 1152 seeking exemption from the requirements of 49 U.S.C. 10903 for SWKR to abandon 19.9 miles of rail line extending from milepost 7.00 near Curtis to milepost 26.9 near Charleston, in Cochise County, Arizona. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, SWKR will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to SWKR, this rail line was acquired from the Southern Pacific Transportation Company, predecessor to the Union Pacific Railroad Company. The line runs in a north-south direction through the San Pedro Riparian National Conservation Area (SPRNCA), with 18.65 miles of the line within the SPRNCA. SWKR intends to remove the track structure so as not to affect the SPRNCA. SWKR owns the real estate between mileposts 7.00 and 8.31 and will dispose of the real estate after abandonment. UP retained ownership of the bridges and underlying right-of-way between milepost 8.31 and milepost 26.9 when it sold the rail line to SWKR, and will decide on how to dispose of it after abandonment by SWKR.

According to SWKR, the right-of-way is 200 feet wide (100 feet on either side of the center line) from milepost 7.00 to milepost 9.3. Between milepost 9.3 and the end of the abandonment at milepost 26.9 the right-of-way is 100 feet wide (50 feet on either side of the center line). The line does not contain any federally granted right-of-way. The line begins at milepost 7.00 on a ridge west of the San Pedro River at an altitude of about 3,600 feet. The line continues parallel to the San Pedro River as it enters the SPRNCA at milepost 8.25 where the line climbs to an altitude of about 3,850 feet. The line crosses the San Pedro River at milepost 13.93, and Tombstone Gulch at milepost 14.46. The line ends south of Charleston, within the SPRNCA at an altitude of about 4,000 feet. The line crosses two public roads at mileposts 8.3 and 26.2 and four private roads at mileposts 8.7, 15.99, 20.9, and 21.45.

SWKR has included photographs in their Historic Report of 39 bridge structures located along the 19.9 mile line proposed to be abandoned. The bridge structures are Open Deck, Open Deck Trestle, Open Deck Steel Girder, PS Concrete, Ballast Deck Concrete Slab, Ballast Deck (Concrete Arch), and Ballast Deck Bridges ranging in length from 10 to 361 feet. SWKR states that they have been unable to determine the age of the bridge structures on the line.

The rail line is in a rural area of Arizona and does not generate any local rail traffic. SWKR does not expect the 18.65 miles of the line within SPRNCA to ever be developed or ever need rail service. Prior to 2003, the line carried some overhead traffic in contract service as an accommodation to shippers on previously abandoned, but not yet salvaged, lines to the South. There has been no local rail traffic originating or terminating on the line in 2003, nor has there been any overhead traffic in 2003. SWKR believes that there is not a sufficient volume of traffic available on the line to justify the costs of maintaining and operating the line. The proposed abandonment will relieve SWKR from the costs of owning and maintaining an under-utilized line of railroad.

SWKR transported under contract as an accommodation to Chemical Lime Corporation (CLC) nine carloads of lime, 101 carloads of coal, 235 carloads of coke, and two carloads of magnesium chloride over the line to Paul Spur, Arizona, in 2001. The last shipments were made in October 2001 and no shipments for CLC were made in 2002 or to date in 2003. SWKR has contacted CLC and does not expect CLC to oppose abandonment of the line.

SWKR transported under contract as an accommodation to Ace Hardware two carloads of lumber over the line to Bisbee Jct., Arizona, in 2001 and four carloads in 2002. The last carload was delivered in December 2002 and none have been delivered to date in 2003. SWKR has contacted Ace Hardware and does not expect Ace Hardware to oppose abandonment of the line.

The main source of overhead traffic on the line has been from GrupoMexico, which transloaded shipments from trucks to boxcars at Bisbee Jct. SWKR transported the transloaded shipments under contract as an accommodation to GrupoMexico. In 2001, SWKR moved 1,240 boxcars loaded with copper cathodes and 74 boxcars loaded with copper rod from Bisbee Jct. over the line for interchange to Union Pacific at Benson. In 2002, SWKR moved 131 boxcars of copper cathodes from Bisbee Jct. and two boxcars of empty pallets to Bisbee Jct. over the line for GrupoMexico. The last shipments of copper cathodes were made in April 2002 and the only shipments of pallets were made in May 2002. SWKR has handled no traffic for GrupoMexico to date in 2003. SWKR has contacted GrupoMexico and does not expect GrupoMexico to oppose abandonment of the line.

ENVIRONMENTAL REVIEW

SWKR submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The applicants served the environmental and

historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The application states that a total of 137 carloads were moved on the line during the base year (calendar year 2002¹). Using a rail-to-truck conversion factor of 4 trucks per carload², SEA calculates that on a per day basis, if all the rail traffic is diverted to truck traffic, the abandonment would generate an estimated 548 new trucks per year (1096 truck trips assuming an empty backhaul). This equates to approximately 5 trucks per day being added to area roads during a 240 workday year³. This increase will not exceed the Board's thresholds of an increase of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment [49 C.F.R. 1105.7(e)].

HISTORIC REVIEW

SWKR submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. SWKR served the report on the Arizona State Parks, State Historic Preservation Office (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has requested additional information which can be used to determine if the property meets any of the National Register's criteria for inclusion in the National Register of Historic Places.

CONDITIONS

We recommend that the following environmental condition be placed on any decision granting abandonment authority:

1. Pending resolution of the issues raised by the Arizona State Parks, State Historic Preservation Office (SHPO), SWKR shall retain its interest in and take no steps to alter the historic integrity of the property until completion of the Section 106 process of the national Historic Preservation Act, 16 U.S.C. 470f.

¹ Because 2002 is the most recent complete year of data, the Section of Environmental Analysis (SEA) is using 2002 as the base year.

² The conversion factor is an estimate based on the nature of the commodities transported on the line.

³ 240 workdays result when weekends and holidays are subtracted from a 365 day year.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this environmental assessment. **Please refer to Docket No. AB-441 (Sub No. 3X) in all correspondence addressed to the Board.** If you have any questions regarding

this environmental assessment, you should contact Kenneth Blodgett, the environmental contact for this case by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: September 15, 2003.

Comment due date: **October 15, 2003 (30 days).**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

